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EXAMINER

MCCORMICK, GABRIELLE A

ART UNIT	PAPER NUMBER
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3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,455	Applicant(s) CAMP ET AL.	
	Examiner Gabrielle McCormick	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the Request for Continued Examination filed on December 29, 2008.
2. Claims 1, 2, 10, 11, 13, 14 and 22-24 have been amended.
3. Claims 1-24 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 29, 2008 has been entered.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1 and 13 recite the use of "a child identification card". This term is not found in the specification, however, the term, Child Track card is used. For the purposes of examination, the claimed child identification card is understood to be the Child Track card disclosed by the specification.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 1 and 13 require the collection or receipt of child update information and child status information. According to the specification (P[0008]), the child update information includes the child status information, therefore it is unclear how the central database stores both child update information and child status information. As claimed, the child status information is redundantly stored.
9. Claim 13 additionally recites the term "the child services card" (lines 8-9). This term lacks proper antecedent basis.
10. Claims 10-11 and 22-23 recite the term "the case identification card". This term lacks proper antecedent basis.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
12. Claims 1-12 are rejected as being directed to non-statutory subject matter. Claim 1 is a method claim that recites process steps that are not tied to a particular machine. Based on recent Federal Circuit decision (see *In re Bilski*), an applicant may show that a process claim satisfies 35 USC 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. (See Benson, 409 U.S. at 70). First, as illustrated by Benson, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility. (See Benson, 409 U.S. at 71-72). Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. (See Flook, 437 U.S. at 590).

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13. Claim 1 recites receiving information via an identification card. The identification card is understood within the context of the claim to include a card with printed information. Printed matter does not fall into the category of a “machine”. Further, the determination of a location via a location device can be construed to be a notation of the address of the home where the child is residing by the reporter where the location device is the address information. A piece of mail received at the home would thus serve as a “location device”. In the context of the claim, the term “location device” does not rise to the level of a “machine”. Lastly, the storage of information in a database is merely insignificant extra-solution activity and does not meet the criteria of the use of a specific machine which imposes meaningful limits on the claim’s scope to impart patent-eligibility. Claim 1, therefore, does not cite the processing by or manipulation of a machine tied to the recited steps.
14. Because the applicable test to determine whether a claim is drawn to a patent-eligible process under 35 USC 101 is the machine-or-transformation test set forth by the Supreme Court, claim 1 fails that test and is therefore rejected under 35 USC 101. Claims 2-12 are rejected through dependency from claim 1.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunham et al. (US Pub. No. 2002/0013716, hereafter referred to as “Dunham”) in view of Schwartz (US Pub. No. 2003/0037063) in view of Basile et al. (US Pat. No. 6,042,005, hereafter referred to as “Basile”) in view of Sweatte (US Pat. No. 6,335,688).

- 17. Claims 1 and 13:** Dunham discloses the method and system (P[0040] and Fig. 1):
- *receiving child update information on the child;* (P[0052]: user name, login name, password and contact information; P[0062-0063]: users can update information specific to a client; P[0044]: system can be used for child welfare systems, thus a client is a child and data relating to the wellness of a child is collected and evaluated).
 - *collecting child status information;* (P[0074]: diagnosis information, including narrative notes and subsequent diagnosis information is entered.)
 - *storing the child update information and child status information in a central database;* (P[0040])
 - *monitoring wellness of the child based on child status information* (P[0013]: plan of care is monitored and evaluated; P[0062]: users enter update information specific to the client)
 - *providing a report based on the stored child update information and the wellness of the child.* (P[0091] and P[0044]: system can be used for child welfare systems, thus a client is a child and data relating to the wellness of a child is collected and evaluated.)
- 18.** Dunham does not explicitly disclose determining whether abuse or neglect has occurred.
- 19.** Schwartz, however, discloses assessing the risk for abuse or neglect. (P[0004]; P[0046] and P[0050]).
- 20.** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included determining whether abuse or neglect has occurred, as disclosed by Schwartz, in the system of Dunham* for the motivation of ensuring that a plan of care with respect to its use for child welfare systems (Dunham; P[0044]) includes tracking information that specifically impacts the well being of a child. It is obvious that Dunham's system would involve tracking information that indicates potential child abuse or neglect in order to ensure that the system provides the most effective outcomes for clients in need of care. (Dunham; P[0022]).
- 21.** Dunham does not disclose a *child identification card* or *observing the child*.
- 22.** Basile, however, discloses a child identification card that is used to obtain the child's personal information. (C4; L1-4). The card contains a microchip that is read in order to display the child's

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information. The user is able to update the information in the id device. (C4; L28-52). It is inherent that the child is observed at the time the third party, such as the hospital, police, doctors, etc. interact with the child and obtain and update the id device.

23. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an identification card and observing the child, as disclosed by Basile, in the system of Dunham for the motivation of providing a third party, such as hospitals, police, EMS, doctors, schools and insurance companies with can access personal and medical information electronically when a child is involved in an accident, medical trauma or abduction. (Basile; C4; L28-46). It is obvious that the system of Dunham would include observing the child during at least the diagnosis process disclosed in P[0074].
24. Dunham does not disclose *determining a location of the child via a location device in the proximity of the child*.
25. Sweatte, however, discloses a smartcard that includes a GPS tracking device (C2; L31-36).
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included GPS on a smartcard, as disclosed by Sweatte, in the system of Basile for the motivation of tracking a means to track and locate a child. Basile discloses a child id card equipped with a chip to assist in providing information in the event of an emergency, including abduction. (Basile; C4; L28-33). Thus, it is obvious to expand Basile's smartcard to include the GPS-enabled smartcard of Sweatte in order to assist in locating an abducted child.
27. It is further obvious to store location information in the database of Dunham as Dunham is directed to providing tracking of services provided to a child in a child welfare system. One of ordinary skill in the art would recognize the benefit to storing location information in order to ensure contact with the child is maintained, as is the goal of providing child welfare services.
28. **Claims 2 and 14:** Dunham discloses a PIN (P[0052]: user login name and password) and a case number (P[0072]).

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29. **Claims 3 and 15:** Dunham discloses status and environment information about a child (P[0072]: current living situation, legal status, employment status and school placement and P[0087]: behaviors, school performance).
30. **Claims 4 and 16:** Dunham discloses a date (P[0086]: “the day the service was provided” is part of the progress note update information.)
31. Dunham does not explicitly disclose a time, however, it is obvious that data entries into a database are logged by time and date so as to allow the “tickler list” described in P[0061] to appropriately function. It is also obvious to expand Dunham to include a time of an entry as it is possible for numerous entries to be made in a given day, thus a time allows a further refinement of tracking the input of data.
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a timed entry in the system disclosed by Dunham, for the motivation of providing a method of ordering data entries chronologically and providing the ticker list with the ability to send notifications due based on timed entries.
33. **Claims 5, 6, 8, 17, 18 and 20:** Dunham discloses a “tickler list” (P[0061]) that generates reminders and reports (i.e., alerts) that indicate action items are overdue and in P[0087], performance indicators are taken at every defined time duration for tracking purposes (thus updating the child’s information). Dunham does not explicitly disclose that the ticker list will function to provide alerts when the performance update is due, however it is obvious for the tickler list to be programmed to do so. Dunham discloses that the tickler list generates reminders for action items that need to be completed, therefore, it is obvious to include the update to the performance indicators as a tickler item.
34. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a tickler for performance indicator updating, in the system of Dunham for the motivation of providing timely updating to a client’s (i.e., child’s) file to ensure that performance indicators are tracking the most currently available data. Dunham would be motivated to expand

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its system to ensure that a crisis plan can be developed in a timely fashion to address situations that require immediate attention. (P[0076]).

- 35. Claims 7 and 19:** Dunham does not explicitly disclose sending an alert to a foster parent or group home if the child update information is not received within a predetermined period of time.
- 36.** Schwartz, however, discloses scheduled checkpoints for updating the system input that include periodic mandatory client access can be preprogrammed into the system software via prompts (i.e., an alert). (P[0082]). Schwartz also discloses that a client can be either a primary or a secondary client where the secondary client includes “the primary client’s parents, individuals living with the primary client...”. Thus, it is inherent that either a foster parent or a responsible party from a group home are “individuals living with the primary client” and are thus secondary clients.
- 37.** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included sending alerts to foster parents or group homes, as disclosed by Schwartz, in the system of Dunham for the motivation of providing timely updating to a client’s (i.e., child’s) file to ensure that performance indicators are tracking the most currently available data. Dunham would be motivated to expand its system to ensure that a crisis plan can be developed in a timely fashion to address situations that require immediate attention. (P[0076]). Schwartz discloses that “regular checkpoints scheduled...at predetermined intervals” to update the primary client’s risk assessment are performed. (Schwartz; P[0074]). This allows the ability to monitor whether a client is eligible for removal from the system. (Schwartz; P[0103]).
- 38. Claims 9 and 21:** Dunham discloses processing payments (P[0094]).
- 39. Claims 10, 11 and 22:** Dunham does not disclose providing or scanning a case identification card.
- 40.** Basile, however, discloses a child identification card that is used to obtain the child’s personal information. (C4; L1-4). The card contains a microchip that is read in order to display the child’s information. (C4; L39-46).

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41. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an identification card, as disclosed by Basile, in the system of Dunham for the motivation of providing a third party, such as hospitals, police, EMS, doctors, schools and insurance companies with can access personal and medical information electronically when a child is involved in an accident, medical trauma or abduction. (Basile; C4; L28-46).
42. **Claims 12 and 24:** Dunham does not disclose receiving information via *an interactive voice response system*.
43. Schwartz, however, discloses that server access may also be allowed telephonically using automated menu driven methods and systems. (P[0108]).
44. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an interactive voice response system, as disclosed by Schwartz, in the system of Dunham for the motivation of providing alternative access to clients that do not have internet access for inputting data.
45. **Claim 23:** Dunham does not disclose a camera.
46. Basile, however, discloses a photograph of the child. (C3; L65-67). It is inherent in obtaining a photograph that a camera is used.
47. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a camera for taking a photo, as disclosed by Basile, in the system of Dunham for the motivation of providing a means of rapidly matching the identification card with the cardholder.

Response to Arguments

48. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629